

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DAVID STEBBINS,)
)
Plaintiff,)
)
v.) Case No. 10-3305-CV-S-RED
)
RELIABLE HEAT & AIR, LLC, et al.,)
And)
)
RANDAL RICHARDSON, et al.)
)
Defendants.)

MOTION FOR TELEPNONE CONFERENCE

Comes now Plaintiff David Stebbins, who respectfully requests a telephone conference to settle an issue regarding the defendants' failure to cooperate in discovery.

On November 19, 2010, I sent Gary Allman, the attorney for the Defendants, two discovery requests. One of them was a request for admissions; the other was a request for production. While the Defendants responded to the request for admissions on December 16, 2010, to this day, they have not responded to the request for production.

In compliance with the local rules, on December 21, 2010, I left a message on Allman's law office's answering machine, demanding that he cough up the documents I requested his clients produce. That same morning, I also sent him an email; the reason I did this, despite the Local Rules explicitly stating that it is insufficient, is because we had agreed to receive and respond to discovery documents by email. I was providing him an easy way to produce the documents I requested in my discovery request; he need only respond to that email, and he would have my email address on the fly.

Allman responded, at 3:18PM on December 21, 2010, stating that he was out of the

country at the time, and would respond the following week.

This was absolutely unacceptable. First, I am assuming that he was out of the country for the Christmas holiday, which means that he probably planned this trip months in advance. Furthermore, holiday or no holiday, leaving the entire country is not something you do at a minute's notice. There is way too much red tape involved with leaving the entire country for you to not know that you will do it, months in advance. There are passports, visas, plane tickets, hotel reservations, and that's just the beginning.

So, if Allman knew that he would be out of the country, why didn't he provide the documents that I requested early? I am in college, now, and if I know that I am going to be absent from class on a day that a major homework assignment is due, I am expected to turn in the homework assignment early, so that I don't miss the deadline. Why should Allman be granted any more leniency? After all, isn't that what school is for? To *prepare* you for the outside world?

As if that were not enough, he promised to respond by this week. It is now 5PM on Friday of the week he promised to respond. Where is my answer?

To be honest, Your Honor, I think I know the reason that he's stalling, like this. Simply put, Randal Richardson knows he is in the wrong, in this case, but, rather than fessing up like a man, he is trying to needlessly drag this case out, hoping that I make a "pro se error," and he can get the case thrown out on a technicality.

In any event, the local rules explicitly call for a telephone conference before I can file a genuine motion to compel cooperation. Therefore, in an attempt to observe the formalities, I respectfully move for said telephone conference.

For the record, my phone number is (870) 204 – 6024. Gary Allman may be reached at

the phone number (417) 332 – 2800.

It is so humbly requested, on this 31st day of December, 2010.



David A. Stebbins
1407 N Spring Rd, APT #5
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Phone: (870) 204 – 6024
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above Plaintiff's motion for telephone conference has been served upon:

Gary W. Allman
Missouri Bar #19921
P.O. Box 5049
Branson, MO 65615
Phone: (417) 332 – 2800
Fax: (417) 332 – 1008
garywallman@gmail.com
Attorney for: Defendants

By transmitting a copy to him by email transmission at garywallman@gmail.com on the 31st day of December, 2010.



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